761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: April 27, 2007

OFFICE CORRESPONDENCE

FILE NO. FO2186485

FROM: JOHNNY G. JURADO, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY MELISSA NUNEZ #[redacted]
DEPUTY [redacted]#[redacted]
DEPUTY ROBERTO SOLORIO #[redacted]
DEPUTY [redacted]#[redacted]
MEN'S CENTRAL JAIL

On December 26, 2006, I/M McKinnon told Deputy Nuñez he was experiencing chest pains and needed his heart medication. Deputy Nuñez then unlocked the cell door and allowed I/M McKinnon to exit his cell so she could escort him to the clinic for his medication. I/M McKinnon exited his cell, stopped, then went back into his cell to get his walker. He then started walking rapidly down the hall. Deputy Nuñez caught up with I/M McKinnon and began to escort him to the clinic. I/M McKinnon turned and walked in the opposite direction of the clinic, telling Deputy Nuñez that he was going to find a Senior Deputy. Deputy Nuñez said that despite her repeated demands for McKinnon to stop, he continued walking away from her. Deputy Nuñez then stood in front of I/M McKinnon and tried to explain to him that he needed to go to the clinic first.

I/M McKinnon then raised his walker, slammed it on the floor, raised his fists, and attempted to punch her. Deputy Nuñez defended herself by punching I/M McKinnon on his face with her right fist. I/M McKinnon held onto Deputy Nuñez' uniform shirt and they exchanged punches to each other's body and chest area.

C.A. Quinonez was near the 6000 Hospital Control Booth when he heard Deputy Nuñez shouting, "Hey, hey." In the observation mirror mounted in the hallway he saw I/M McKinnon punching Deputy Nuñez. He ran to them and knocked I/M McKinnon off balance and against the wall to keep Deputy Nuñez from getting hurt. The three of them then fell to the ground.

Deputy Solorio and Deputy [redacted] responded and tried to handcuff I/M McKinnon, however, I/M McKinnon placed his arms underneath his chest and refused to allow deputies to handcuff him. C.A. Quinonez pulled I/M McKinnon's left arm out from underneath his chest, but I/M McKinnon resisted placing it behind his back and

kicked his legs at the deputies. Deputy Solorio tried to gain control of I/M McKinnon's right arm, which I/M McKinnon had tucked under his chest. Deputy [redacted] held I/M McKinnon's legs against the ground. Deputy [redacted] used side-ways flashlight strikes to I/M McKinnon's upper body during the fight. After several minutes of struggling, they were successful in forcibly handcuffing I/M McKinnon.

I/M McKinnon said he is currently receiving medical treatment at MCJ for psychological problems, which have been diagnosed as Post Traumatic Stress Disorder, Depression, and for being Bi-Polar.

On April 26, 2007, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MMP §§ 3-01/025.00, Use of Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MMP § 3-01/025.00, Use of Force, and MMP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by all personnel was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.

Johnny G. Jurado, Commander

JGJ:MOT:mt

Table of Contents

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

5100-2006-1222-002

Incident Information

URN: 006-01747-5100-054	Date: 12/22/06	Time: 0645 HRS	
Location: 441 BAUCHET STREET	City or Station: LOS ANGELES		
Bureau/Station/Facility: MEN'S CENTRAL JAIL/ 6000 HALLWAY	Admin. Investigation: YES ☐ NO ☒		
Type of Force: SIGNIFICANT FORCE			
Deputy Injury: YES ☒ NO ☐	E/1 NUNEZ, MELISSA-RIGHT HAND AND E/3 SOLORIO JR, ROBERT-RIGHT ARM		
IAB Notified: YES ☒ NO ☐	Person Notified: SGT. HARRIS	Emp #: [redacted]	
Suspect Injury: YES ☒ NO ☐		IAB Roll Out: YES ☐ NO ☒	

Involved Employee

E1

Employee #: [redacted]	Last Name: NUNEZ	First Name: MELISSA	Middle Name: G
Sex: ☐ Male ☒ Female	Race: H	Unit of Assignment: MEN'S CENTRAL JAIL	Work Assignment (Unit #, Module, etc.): 6000 PROWL #3 POINT
Shift: ☐ EM ☒ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	Age: [redacted]	Height: 502 Weight: 145
Medical Exam / Treatment: ☐	Photos of Employee: ☒ N/A ☐	Coroner Case #	Directed Force ☐ Significant Force ☒
If Admitted, Name of Hospital:			

Statement:

Statement continue: ☐

E2

Employee #: [redacted]	Last Name: [redacted]	First Name: [redacted]	Middle Name: [redacted]
[redacted]	Race: [redacted]	Unit of As[redacted]	Work Assignm[redacted]
[redacted]	[redacted]	Age: [redacted]	Height: [redacted] Weight: [redacted]
Medical Exam / Treatment: ☐	Photos of Employee: ☐ N/A ☒	Coroner Case #	Directed Force ☐ Significant Force ☒
If Admitted, Name of Hospital:			

Statement:

Statement continue: ☐

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	FLORES	DAVID		SGT	YES ☐ NO ☒	YES ☐ NO ☒
[redacted]	MORALES	MANUEL	J	SLD	YES ☐ NO ☒	YES ☐ NO ☒

Watch Sergeant

Emp.	Last Name	First Name	Middle Name
[redacted]	HERRON	EDWARD	G

Watch Commander

Emp.	Last Name	First Name	Middle Name
[redacted]	GONZALES	ALFRED	

LIEUTENANT ALFRED GONZALES — Watch Commander (**Print Name**)
[signature] — Watch Commander's **Signature**:
Emp #: [redacted]
Date: 1/22/07

SERGEANT DAVID FLORES — Supervisor Completing Form: (**Print Name**)
Emp #: [redacted]
SERGEANT DAVID FLORES — Copy Provided to Employee by:
Emp #: [redacted]

CAPTAIN JOHN H. CLARK — Unit Commander (**Print Name**)
Unit Commander's **Signature**:
Emp #:
Date

DISCOVERY Use Only

FO#

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P(Rev. 11/04)

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE INFORMATION

URN: 006-01747-5100-054

Involved Employee Continuation

E3

Employee #	Last Name	First Name	Middle Name
[redacted]	SOLORIO JR	ROBERT	

Sex: ☒ Male ☐ Female | Race: H | Unit of Assignment: MEN'S CENTRAL JAIL | Work Assignment (Unit #, Module, etc.): HOSPITAL MOVEMENT DEPUTY #1

Shift: ☐ EM ☒ Day ☐ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 510 | Weight: 180

Medical Exam / Treatment: ☐ Photos of Employee: ☐ N/A ☐ | Coroner Case # | Directed Force ☐ Significant Force ☒

If Admitted, Name of Hospital:

Statement:

Statement continue: ☐

E4

Employee #	Last Name	First Name	Middle Name
[redacted]	QUINONEZ-REYES	RIGOBERTO	

Sex: ☒ Male ☐ Female | Race: H | Unit of Assignment: MEN'S CENTRAL JAIL | Work Assignment (Unit #, Module, etc.): MODULE/DORM CLEAN-UP

Shift: ☐ EM ☒ Day ☐ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 601 | Weight: 172

Medical Exam / Treatment: ☐ Photos of Employee: ☐ N/A ☒ | Coroner Case # | Directed Force ☐ Significant Force ☒

If Admitted, Name of Hospital:

Statement:

Statement continue: ☐

E5

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex: ☒ Male ☐ Female | Race: H | Unit of Assignment: MEN'S CENTRAL JAIL | Work Assignment (Unit #, Module, etc.): 6050 TITLE 15 COMPLIANCE DEPUTY

Shift: ☐ EM ☒ Day ☐ PM | ☐ Regular Shift ☒ OT Shift ☐ Off Duty | Age: [redacted] | Height: 600 | Weight: 165

Medical Exam / Treatment: ☐ Photos of Employee: ☐ N/A ☒ | Coroner Case # | Directed Force ☐ Significant Force ☐

If Admitted, Name of Hospital:

Statement:

Statement continue: ☐

Supervisor's Report on Use of Force
SUSPECT INFORMATION

URN: 0 0 6 - 0 1 7 4 7 - 5 1 0 0 - 0 5 4

Suspect Information

S 1

Last Name	MCKINNON	First Name	RICHARD	Middle Name	C
AKA Last Name	MCKINNON	First Name	RICHARD	Middle Name	

Sex: ☒ Male ☐ Female | Race: W | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: [redacted] | Home Phone: [redacted] | Age: 64 | Height: 601 | D.O.B. 09/25/42 | Weight: 200 | Armed? ☐

Booking #: 9279812 | Primary Charge Code: 422PC | Secondary Charge Code: N/A | Criminal History [redacted]

EMT in attendance? ☐ YES ☒ NO Name: ______ Unit: ______ Phone #: ______

EMT's Statement:

Hospital Admission? ☐ Rec'd Treatment At: MEN'S CENTRAL JAIL CLINIC Coroner Case #: ______ Mental History ☐

By Doctor: ______ Address: ______ Phone #: ______

Doctor's Statement:

Under Influence: ☐ YES ☒ NO Substance: ______ | Photos of Suspect's Injuries ☐ YES ☒ NO

Suspect Interview

Date: 12/22/06 | Time: 0730 HRS | Audiotape: ☐ | Videotape: ☒

Statement:

Statement continue: ☐

S_

Last Name		First Name		Middle Name	
AKA Last Name		First Name		Middle Name	

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

EMT's Statement:

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐

By Doctor: ______ Address: ______ Phone #: ______

Doctor's Statement:

Under Influence: ☐ YES ☐ NO Substance: ______ | Photos of Suspect's Injuries ☐ YES ☐ NO

Suspect Interview

Date: | Time: | Audiotape: ☐ | Videotape: ☐

Statement:

Statement continue: ☐

Supervisor's Report on Use of Force

URN: 006-01747-5100-054

Supervisor's Review

Brief Synopsis:

Watch Commander Conclusion / Findings / Training Recommendation

Attachments:

Supervisor's Report on Use of Force

URN: 0 0 6 - 0 1 7 4 7 - 5 1 0 0 - 0 5 4

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE APPLIED

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)	
Name	E# or S#	Name	E# or S#				
MCKINNON, RICHARD	S/1	NUNEZ, MELISSA	E/1	UC	NN	NN	
MCKINNON, RICHARD	S/1	NUNEZ, MELISSA	E/1	RS	NN	NN	
NUNEZ, MELISSA	E/1	MCKINNON, RICHARD	S/1	PH	LC	FA	
MCKINNON, RICHARD	S/1	NUNEZ, MELISSA	E/1	PH	NN	NN	
QUINONEZ-REYES, RIGOBERTO	E/4	MCKINNON, RICHARD	S/1	TT	LC	FA	
SOLORIO JR, ROBERT	E/3	MCKINNON, RICHARD	S/1	TT	LC	FA	
[redacted]	E/5	MCKINNON, RICHARD	S/1	CT	NN	NN	
MCKINNON, RICHARD	S/1	[redacted]	E/2	RS	NN	NN	
[redacted]	E/3	MCKINNON, RICHARD	S/1	FL	CP	BK	
~~MCKINNON, RICHARD~~	~~S/1~~	~~NUNEZ, MELISSA~~	~~E/1~~	~~RS~~	~~NN~~	~~NN~~	Dup?
~~MCKINNON, RICHARD~~	~~S/1~~	[redacted]	~~E/2~~	~~RS~~	~~NN~~	~~NN~~	Dup?
MCKINNON, RICHARD	S/1	SOLORIO JR, ROBERT	E/3	RS	NN	NN	
MCKINNON, RICHARD	S/1	QUINONEZ-REYES, RIGOBERTO	E/4	RS	NN	NN	
MCKINNON, RICHARD	S/1	[redacted]	E/5	RS	NN	NN	
QUINONEZ-REYES, RIGOBERTO	E/4	MCKINNON, RICHARD	S/1	RH	NN	NN	

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY
SIGNIFICANT USE OF FORCE
(Hairline Fracture to the Jawbone)

DATE / TIME:	Friday, December 22, 2006, 0645 hours
LOCATION:	Men's Central Jail- 6000 Hospital 441 Bauchet Street, Los Angeles, CA., 90012
URN#:	406-07147-5100-054
REFERENCE #	5100-2006-1220-002
IAB#:	FO# 2186485

On December 26, 2006, the Internal Affairs Bureau Force and Shooting Response Team went to Men's Central Jail regarding a significant use of force. The team consisted of Sergeant John W. Harris, Sergeant Trent Denison and Lieutenant Michael Parker.

SYNOPSIS:

On Friday, December 22, 2006, Inmate Richard McKinnon was involved in a physical altercation with deputies assigned to the 6000 Floor of Men's Central Jail. Internal Affairs Bureau was notified on that date as per policy (mandatory notification requirements), because the inmate was punched in the face during the use of force.

On Monday, December 26, 2006, IAB was notified that the Men's Central Jail Watch Commander had received the results of I/M McKinnon's x-ray, which revealed that he had a hairline fracture to his jaw.

On December 22, Deputy Melissa Nunez heard I/M McKinnon banging on the door from inside his cell (MCJ Hospital #6029). I/M McKinnon claimed he was experiencing chest pains and needed his heart medication. Deputy Nunez told I/M McKinnon that she would take him to the clinic for his medication and to have his blood pressure checked. Deputy Nunez then unlocked the cell door and allowed I/M McKinnon to exit his cell.

Deputy Nunez said that upon unlocking the cell door, I/M McKinnon exited his cell with his walker and began walking rapidly down the hall. Deputy Nunez caught up with I/M McKinnon and began to escort him to the clinic. I/M McKinnon turned and walked in the opposite direction of the clinic, telling Deputy Nunez that he was going to find Senior Deputy Morales, and that he wanted to talk to him. Deputy Nunez said she got in front of I/M McKinnon and tried to reason with him.

I/M McKinnon said, "Get out of my way you bitch. I don't care if you are a sheriff, I need to go." He then raised his walker and slammed it on the floor. I/M McKinnon then raised his fists and attempted to punch her. Deputy Nunez defended herself by punching I/M McKinnon in the face near his temple, with her right fist. I/M McKinnon then punched Deputy Nunez in the chest and held onto her uniform shirt. The inmate and deputy exchanged punches to the body and chest area of each other.

Deputies [redacted] Solorio and [redacted] and CA Quinonez, saw what was happening and came to the aid of Deputy Nunez. The assisting personnel worked together to take the inmate down to the floor and handcuff him. The I/M resisted handcuffing by his tensing his arms and trying to pull away. In order to overcome I/M McKinnon's resistance, and handcuff him, Deputy [redacted] struck him 2-3 times in the upper back with his flashlight. Eventually, the personnel were able to handcuff him.

Once his resistance was overcome, he was placed into a wheelchair and taken to LCMC for medical treatment. The I/M complained of pain to his back, neck and face. LCMC Dr. Badris treated the I/M for soreness to his jaw and nose, a lower left eyelid laceration repair, and bruising to his left eye. When asked if the injuries were consistent with the reported use of force, the Dr. said it was inconclusive. X-rays later revealed that the I/M's jawbone had a hairline fracture, and that he also had a small nasal fracture.

INVOLVED PERSONNEL:

All Involved Personnel are assigned to Custody Operations Division, Men's Central Jail

Nunez, Melissa, Deputy #[redacted]

[redacted] Deputy #[redacted]

Solorio, Roberto, Deputy #[redacted]

[redacted] Deputy #[redacted]

EMPLOYEE WORK HISTORY:

Nunez, Melissa,

Date of Employment	01-11-2001
Date assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	[redacted]

[redacted]

Date of Employment	[redacted]
Date assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	[redacted]

Solorio, Roberto,

Date of Employment	11-02-2000
Date assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	[redacted]

[redacted]

Date of Employment	[redacted]
Date assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	[redacted]

SUSPECT:

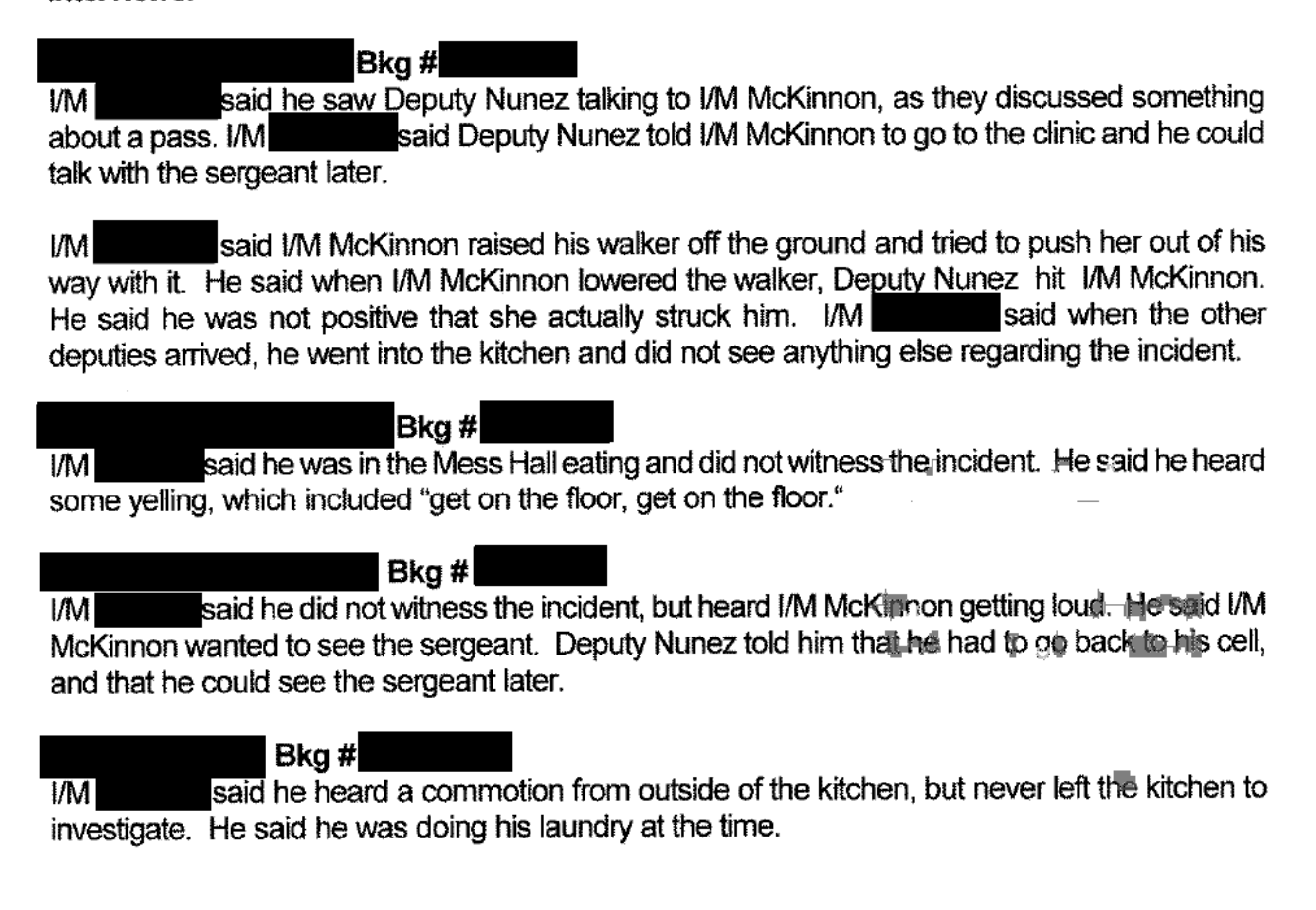
McKinnon, Richard, MW/64, 601, 200, DOB 09/25/42. In custody for Terrorists Threats (422 PC) and a [redacted] He was arrested at the Veteran's Administration Medical Center on 11/09/2006.

Booking # 9279812 C.I.I. [redacted] Main # [redacted] FBI # [redacted]

I/M McKinnon has an [redacted] A check of the CCHRS (Consolidated Criminal History Reporting System) revealed that Richard McKinnon has [redacted] Refer to **Exhibit D** Criminal History, for additional information.

NON DEPARTMENT WITNESSES (Inmate Workers):
The following inmates were identified as inmate workers assigned to the 6000 Floor. They were interviewed on camera by Sergeant David Flores (6000 Floor Sergeant), on 12-22-06, at approximately 8:00 A.M., regarding their knowledge of the altercation between I/M McKinnon and deputies. Their interviews have been downloaded to a compact disk, which is held at IAB for safekeeping.

The narrative which follows is intended only as a synopsis of their interviews. Additional information and precise wording may be obtained by reviewing the recorded interviews.



[redacted] Bkg # [redacted]
I/M [redacted] said he saw Deputy Nunez talking to I/M McKinnon, as they discussed something about a pass. I/M [redacted] said Deputy Nunez told I/M McKinnon to go to the clinic and he could talk with the sergeant later.

I/M [redacted] said I/M McKinnon raised his walker off the ground and tried to push her out of his way with it. He said when I/M McKinnon lowered the walker, Deputy Nunez hit I/M McKinnon. He said he was not positive that she actually struck him. I/M [redacted] said when the other deputies arrived, he went into the kitchen and did not see anything else regarding the incident.

[redacted] Bkg # [redacted]
I/M [redacted] said he was in the Mess Hall eating and did not witness the incident. He said he heard some yelling, which included "get on the floor, get on the floor."

[redacted] Bkg # [redacted]
I/M [redacted] said he did not witness the incident, but heard I/M McKinnon getting loud. He said I/M McKinnon wanted to see the sergeant. Deputy Nunez told him that he had to go back to his cell, and that he could see the sergeant later.

[redacted] Bkg # [redacted]
I/M [redacted] said he heard a commotion from outside of the kitchen, but never left the kitchen to investigate. He said he was doing his laundry at the time.

SUSPECT STATEMENTS
The narrative which follows is intended only as a synopsis of I/M McKinnon's interview. Additional information and precise wording may be obtained by reviewing the video of the recorded interview.

On 12-22-06, at approximately 7:32 AM, I/M McKinnon was interviewed at Men's Central Jail by the MCJ Watch Commander, Lieutenant Alfred Gonzales # [redacted] and Sergeant David Flores # [redacted]

I/M McKinnon said a woman let him out of his cell and after letting him out, told him to stop, and go back to his cell. He said he told the woman he wasn't going back, that he needed his medication. I/M McKinnon said the woman then grabbed his walker and hit him in the mouth, adding, "she can't hit for shit."

He denied rasing his walker in a threatening manner and said that he didn't call her any names until after she hit him. I/M McKinnon denied striking Deputy Nunez and said he doesn't know why she punched him.

I/M McKinnon said she called her buddies and that five or six of them came running around the corner and beat him up. He said the beating took place after he was handcuffed. I/M McKinnon said he was kicked in the head and struck in the back of his head with a flashlight, after being handcuffed.

I/M McKinnon said it was done by a "Mexican cop" that he hadn't seen before or since then. I/M McKinnon said, The Mexican cop said, "she's my partner. I'm going to break your fucking arm, break your fucking nose, I'm going to fuck you up." I/M McKinnon said and he did.

I/M McKinnon said, "Now were going to court, Federal Court, for violation of civil rights." I/M McKinnon then started chuckling.

I/M McKinnon rambled on during the interview and added that he was hit in his eye, nose and the back of the neck with a flashlight. He finally admitted that he never saw the flashlight, but knows it was a flashlight by the way it felt. I/M McKinnon said, "I'm a boxer. One on one, no one can whip me."

I/M McKinnon acknowledged that he wanted to see Senior Deputy Morales to give him court papers from the judge. He admitted that he was in fact arguing with Deputy Nunez, but only standing his ground when she punched him.

I/M McKinnon said he is currently receiving medical treatment at MCJ for psychological problems, which have been diagnosed as PTSD (Post Traumatic Stress Disorder), Depression, and for being Bi-Polar. He then named off numerous medications that he takes, including medication for his heart. I/M McKinnon said that since in custody, he has been receiving his medication and that he in fact takes the medication as prescribed. He said he has been rated as being 100% disabled by the Veterans Administration for his psychological problems.

INJURIES:

Deputies Injuries: Neither of the deputies required medical treatment.
Deputy Nunez received scratches and abrasions to the top of her right hand, near her knuckles.

Deputy Solorio received abrasions to his left inner forearm.

Inmate Injuries:

I/M McKinnon complained of pain to his back, neck, knees, face, and a loss of hearing to his left ear. LCMC Dr. Badris treated I/M McKinnon for soreness to his jaw and nose, a laceration to his left lower eyelid, and bruising to his left eye. X-rays later revealed that the I/M's jawbone had a hairline fracture, a small nasal fracture and a 3/4" inch laceration to the rear portion of his head. Refer to **Exhibit C**, Inmate Injury Report, for additional information.

PHYSICAL EVIDENCE

No physical evidence was collected at the scene and the Crime Lab did not respond to this incident.

INVESTIGATORS' OBSERVATIONS:

At the time of the Force and Shooting Response Team's arrival, the incident was completely over and the crime scene was no longer preserved.

CRIMINAL INVESTIGATOR / CHARGES FILED:

Responsibility for the criminal investigation was that of the Jail Investigative Unit at Men's Central Jail. Deputy Alan Shapiro #[redacted] was the assigned investigator.

Due to I/M McKinnon serving time for a previous felony and the lack of injuries to the involved deputies, the case was not presented to the City Attorney's Office for consideration of a filing. Refer to Case Closure Report, **Exhibit B**, for additional information.

INVOLVED DEPUTY STATEMENTS:

The narrative which follows is intended only as a synopsis of the interview. Additional information and precise wording may be obtained by reviewing the recorded interview.

Deputy Melissa Nunez

On December 26, 2006, at approximately 1:46 PM, Deputy Melissa Nunez was interviewed in the Captain's Conference Room of Men's Central Jail by Internal Affairs' investigators.

Deputy Nunez said she was working Prowl 3 on the 6000 Hospital floor when she heard someone banging on a cell door. Deputy Nunez determined the banging noise was coming from inside of Hospital Cell # 6029. She said she went to the cell door and asked the inmate why he was banging on the door. Deputy Nunez said that the inmate (later identified as Richard McKinnon) told her that he was having chest pains and needed to go to the clinic for his heart medication.

IAB NOTE: At the time, I/M McKinnon was the only one in the cell.

Deputy Nunez said she told I/M McKinnon she would take him to the clinic to have his blood pressure taken and would check on his medication. She said she had prior contacts with I/M McKinnon and that he was cooperative on those occasions. Deputy Nunez further stated that I/M McKinnon didn't appear to be upset or hostile. She said she unlocked his cell door and I/M McKinnon stepped out of the cell. She said I/M McKinnon took a few steps out of his cell, then went back in to retrieve his walker, then exited again. Deputy Nunez said that she found out later that I/M McKinnon had been medically reclassified the night before and that his walker should have been taken away, as he no longer required one.

Deputy Nunez said as she secured the cell door, I/M McKinnon began walking down the hallway and said, "I'm going to talk to Morales and then I'll go to the clinic."

> **IAB NOTE**: It is believed that I/M McKinnon was referring to Senior Deputy Morales #[redacted] who is a line supervisor assigned to the 6000 floor.

Deputy Nunez said that I/M McKinnon walked away from her and appeared to be walking fast, as he pushed the walker in front of him. Deputy Nunez said she told I/M McKinnon to stop, that she needed to talk to him. Deputy Nunez said that I/M McKinnon told her, "No, I'm going to talk to Morales no matter what. I'm getting my medication."

Deputy Nunez said that despite her repeated demands for McKinnon to stop, he continued walking away from her. She said she moved in front of him and told him that he needed to follow her orders and go to the clinic.

Deputy Nunez said I/M McKinnon then began pushing his walker toward her, as if to push his way past her. She said she asked I/M McKinnon what he was doing, and told him that he was being belligerent and needed to go back to his cell. I/M McKinnon told her, "Get out of my way you bitch. I don't care if you are a Sheriff. I need to go." Deputy Nunez said she ordered him to stop. Realizing what he was saying, and at the same time trying to be patient due to his age. She then ordered him to go back to his cell.

Deputy Nunez said I/M McKinnon lifted his walker off the ground, shook it in front of her, then dropped it and raised his fists, holding them at chest level, like in a boxer's stance. Deputy Nunez said she felt he was going to assault her and felt threatened by his actions. She said due to I/M McKinnon's aggressive behavior, their difference in size, weight, reach, and the fact that he was becoming more hostile, she felt she needed to act. Deputy Nunez said she didn't think she had time to use her pepper spray. Fearing for her safety, she punched I/M McKinnon once on the left side of his head, with her right fist, near the temple. Deputy Nunez said I/M McKinnon then swung at her, using both of his fists and hit her on the upper left side of her chest and as he punched her, he told her, "You are a bitch, yes you are."

Deputy Nunez said I/M McKinnon grabbed her by the collar of her "Class B" uniform shirt and held her with one hand, as he continued to punch her with his other hand. She said she hit him in the stomach with both of her fists, but he didn't release her as he continued to punch her and as he tried to kick her.

Deputy Nunez said C.A. Quinonez was the first person to come to her aid and she heard C.A. Quinonez order I/M McKinnon to stop fighting and to place his hands behind his back. Deputy Nunez said she couldn't see what C.A. Quinonez did, but all three of them landed on the floor. She said she was partially on top of I/M McKinnon, as he held onto her shirt as they fell. Deputy Nunez said she believes that when they hit the floor, I/M McKinnon landed on his side.

Deputy Nunez said Deputy Solorio then ran over, followed by Deputy [redacted] and Deputy [redacted] She said someone told her to get up, as they tried to get I/M McKinnon's hands behind his back. Deputy Nunez said that despite his age, I/M McKinnon is very strong and that he continued to struggle the whole time. She said C.A Quinonez and Deputy Solorio struggled to get I/M McKinnon handcuffed and that Deputy [redacted] held onto I/M McKinnon's feet as he tried to kick at them.

Deputy Nunez said Deputy [redacted] was trying to get I/M McKinnon's arm from underneath him and that Deputy [redacted] struck I/M McKinnon's shoulder with a flashlight to make him release his arm from under his chest. Deputy Nunez described the flashlight strikes as a "tug," saying they were underhanded and more of a push, then a strike.

Deputy Nunez said that once I/M McKinnon was handcuffed, no additional force was used. She said Senior Morales and Sergeant Flores were notified and I/M McKinnon was escorted to the clinic for medical treatment. Deputy Nunez said she did not see anyone kick I/M McKinnon before or after he was handcuffed and that Deputy [redacted] was the only person that deployed a flashlight during the struggle.

Custody Assistant Rigoberto Quinonez

On December 26, 2006, at approximately 2:16 PM, C.A. Rigoberto Quinonez was interviewed in the Captain's Conference Room of Men's Central Jail by Internal Affairs' investigators.

C.A. Quinonez said he was near the 6000 Hospital Control Booth when he heard Deputy Nunez shouting, "Hey, hey." He said he turned and looked at the observation mirror (mounted in the hallway) and saw the reflection of an inmate punching Deputy Nunez.

C.A. Quinonez said he ran over to where they were fighting and that he body blocked the inmate (later identified as I/M McKinnon), knocking him off balance and into the wall. He said as he was running toward them he yelled for I/M McKinnon to stop fighting. When I/M McKinnon didn't, C.A. Quinonez struck I/M McKinnon with his right shoulder, to McKinnon's left side. C.A. Quinonez said he was afraid that if he didn't do something quick, Deputy Nunez would have been hurt. He said he considered using his "OC" spray, but didn't feel it was the right option.

C.A. Quinonez said with the help of assisting Deputy Solorio, they (Solorio and he) were able to force I/M McKinnon to the floor. He said he believes I/M McKinnon landed on his side and that I/M McKinnon's face struck the floor. C.A. Quinonez said upon hitting the floor, he immediately saw blood on McKinnon's forehead. He said that he did not see any blood prior to the take down. C.A. Quinonez said I/M McKinnon is very strong and that even on the floor, I/M McKinnon continued to resist and refuse to obey commands.

C.A. Quinonez said they tried to handcuff I/M McKinnon, however, McKinnon placed his right arm underneath his chest and refused to allow deputies to handcuff him. He said after forcing McKinnon's arm out from underneath his chest, I/M McKinnon refused to place his right arm behind his back, and began kicking his legs. C.A. Quinonez said Deputy [redacted] held McKinnon's legs down, and after several minutes of struggling, they were successful in forcibly handcuffing I/M McKinnon.

C.A. Quinonez said he didn't make any comments to I/M McKinnon about his conduct and that no additional force was used after I/M McKinnon was handcuffed. He said he did not see anyone kick I/M McKinnon and that his own force consisted of the tackle, takedown, and the resisted handcuffing.

Deputy Robert Solorio

On December 26, 2006, at approximately 2:52 PM, Deputy Robert Solorio was interviewed in the Captain's Conference Room of Men's Central Jail by Internal Affairs' investigators.

Deputy Solorio said he was assigned to Hospital Movement #1 on 6000 when he heard yelling and the sound of keys rattling, coming from the area of the 6000 Mess Hall.

Deputy Solorio said he ran to the Mess Hall to investigate, with C.A. Quinonez several feet in front of him. He said Deputy Nunez was involved in a fight with an inmate.

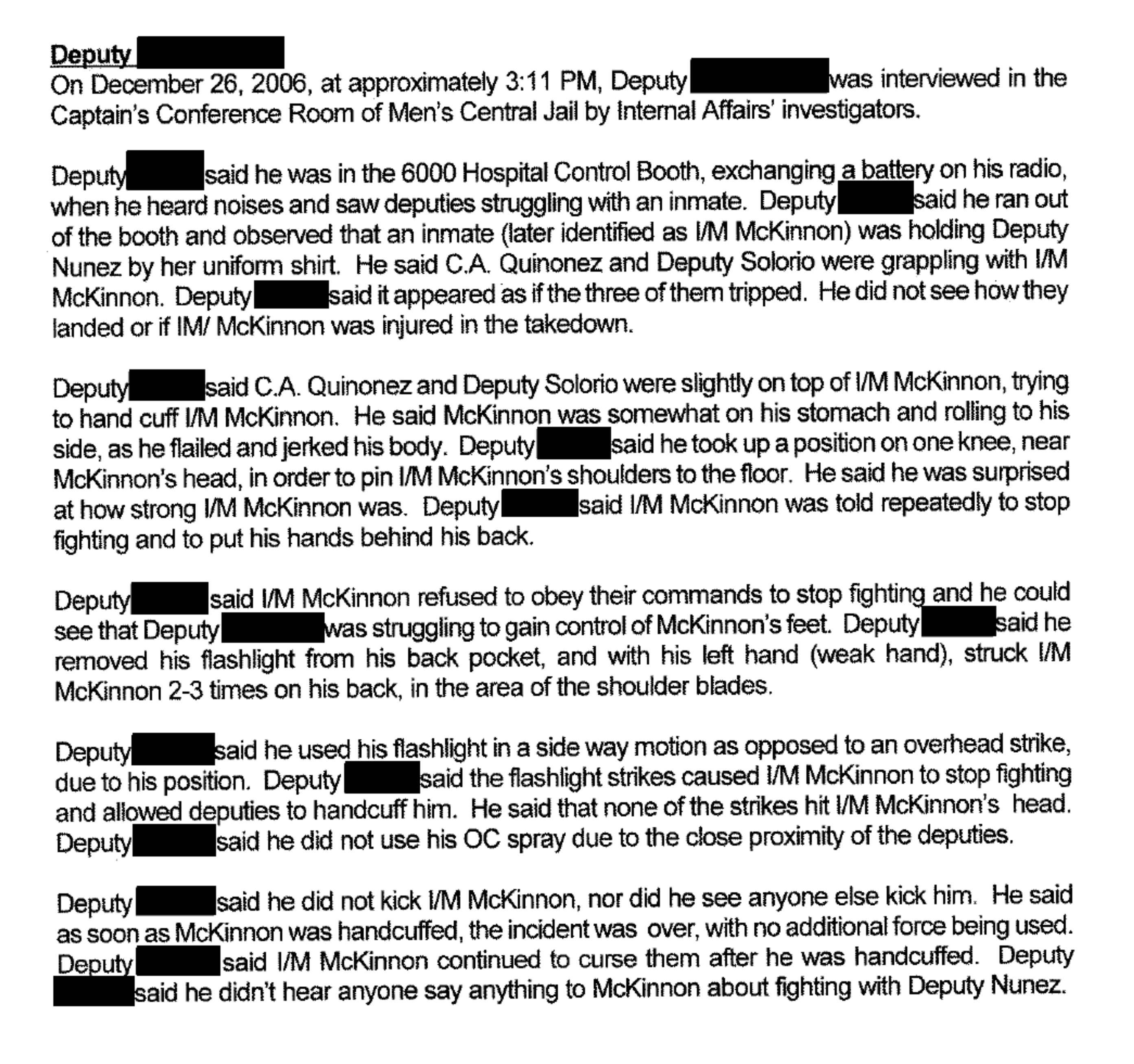
Deputy Solorio said the inmate (later identified as I/M McKinnon) was punching Deputy Nunez with both of his fists and that I/M McKinnon appeared to have the greater reach, as he punched down at her, striking her chest. He said he yelled at I/M McKinnon to get on the ground and that I/M McKinnon ignored his commands and continued to strike Deputy Nunez.

Deputy Solorio said he grabbed I/M McKinnon's shirt and with the assistance of C.A. Quinonez, forced I/M McKinnon to the floor. Deputy Solorio said the take down was a hard takedown and that he (Deputy Solorio) went down to the floor with I/M McKinnon. I/M McKinnon continued to struggle and resist being handcuffed by kicking his feet and jerking his body. He said I/M McKinnon tensed his arms and kept his right arm underneath his chest to keep from being handcuffed. Deputy Solorio said he tried to gain control I/M McKinnon's right arm, which I/M McKinnon had tucked under his chest. He said he wasn't sure who had I/M McKinnon's left arm.

Deputy Solorio said he didn't see anyone use any impact weapons and that after I/M McKinnon was handcuffed, no additional force was used. He said he didn't see anyone kick I/M McKinnon, nor did he hear anyone address I/M McKinnon regarding his conduct after the fight.

Deputy Solorio said his force was limited to the take down and the resisted handcuffing.

Deputy Solorio said he sustained scratches to his right forearm, but did declined medical treatment.



Deputy [redacted]

On December 26, 2006, at approximately 3:11 PM, Deputy [redacted] was interviewed in the Captain's Conference Room of Men's Central Jail by Internal Affairs' investigators.

Deputy [redacted] said he was in the 6000 Hospital Control Booth, exchanging a battery on his radio, when he heard noises and saw deputies struggling with an inmate. Deputy [redacted] said he ran out of the booth and observed that an inmate (later identified as I/M McKinnon) was holding Deputy Nunez by her uniform shirt. He said C.A. Quinonez and Deputy Solorio were grappling with I/M McKinnon. Deputy [redacted] said it appeared as if the three of them tripped. He did not see how they landed or if IM/ McKinnon was injured in the takedown.

Deputy [redacted] said C.A. Quinonez and Deputy Solorio were slightly on top of I/M McKinnon, trying to hand cuff I/M McKinnon. He said McKinnon was somewhat on his stomach and rolling to his side, as he flailed and jerked his body. Deputy [redacted] said he took up a position on one knee, near McKinnon's head, in order to pin I/M McKinnon's shoulders to the floor. He said he was surprised at how strong I/M McKinnon was. Deputy [redacted] said I/M McKinnon was told repeatedly to stop fighting and to put his hands behind his back.

Deputy [redacted] said I/M McKinnon refused to obey their commands to stop fighting and he could see that Deputy [redacted] was struggling to gain control of McKinnon's feet. Deputy [redacted] said he removed his flashlight from his back pocket, and with his left hand (weak hand), struck I/M McKinnon 2-3 times on his back, in the area of the shoulder blades.

Deputy [redacted] said he used his flashlight in a side way motion as opposed to an overhead strike, due to his position. Deputy [redacted] said the flashlight strikes caused I/M McKinnon to stop fighting and allowed deputies to handcuff him. He said that none of the strikes hit I/M McKinnon's head. Deputy [redacted] said he did not use his OC spray due to the close proximity of the deputies.

Deputy [redacted] said he did not kick I/M McKinnon, nor did he see anyone else kick him. He said as soon as McKinnon was handcuffed, the incident was over, with no additional force being used. Deputy [redacted] said I/M McKinnon continued to curse them after he was handcuffed. Deputy [redacted] said he didn't hear anyone say anything to McKinnon about fighting with Deputy Nunez.

Deputy [redacted]

On December 26, 2006, at approximately 3:52 PM, Deputy [redacted] was interviewed in the Captain's Conference Room of Men's Central Jail by Internal Affairs' investigators.

Deputy Tunforss said he was in the 6000 Hospital Control Both when he saw deputy personnel run toward the 6000 Mess Hall.

He said he immediately followed the deputies to see what was happening and found numerous deputies trying to restrain an I/M. Deputy [redacted] said the I/M (later identified as I/M McKinnon) was on the floor, with deputies on top of him. He said the deputies were telling I/M McKinnon to stop fighting, as they tried to get his hands behind his back to handcuff him. Deputy [redacted] said I/M McKinnon was refusing to be handcuffed and appeared to be trying to get away from the deputies. He said close by in the middle of the hallway, was a walker.

Deputy [redacted] said he immediately went to I/M McKinnon's feet and secured them by pinning them to the ground so that he couldn't move. He said that I/M McKinnon was wearing some type of plastic walking boots and wanted to prevent I/M McKinnon from moving or possibly kicking one of the deputies. Deputy [redacted] said when he looked up, he could see C.A. Quinonez was sitting on the upper portion of I/M McKinnon's legs. He said because of C.A. Quinonez's position on I/M McKinnon, his (Deputy [redacted] view was blocked.

Deputy [redacted] said he has had prior contacts with I/M McKinnon and that I/M McKinnon frequently complains of chest pains and requests to go to the clinic for his nitroglycerin pills. Deputy [redacted] said he has not see this type of behavior from I/M McKinnon before.

Deputy [redacted] said that he didn't kick I/M McKinnon and didn't see anyone else kick him. He said he didn't see any impact weapons being used and didn't hear any of the deputies chastise I/M McKinnon for fighting with Deputy Nunez. He said as soon as I/M McKinnon stopped fighting, he left and went back to the control booth to contact the floor senior and sergeant.